IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

: No. 1:22cv2063

JOSHUA I. PAYNE,

(Judge Munley)

Plaintiff :

(Magistrate Judge Carlson)

v. :

.

C.O. STANBAUGH,

Defendant

ORDER

AND NOW, to wit, this _____ day of April 2024, it is hereby **ORDERED** as follows:

- Magistrate Judge Martin C. Carlson's Report and Recommendation
 (Doc. 19) is ADOPTED;
- 2) The defendant's objections (Doc. 20) are **OVERRULED**;
- 3) The defendant's motion to dismiss (Doc. 13) is **GRANTED** to the extent that the plaintiff shall be allowed to file an amended complaint;
- 4) Plaintiff need not file an additional amended complaint at this time, and the Clerk of Court is directed to docket the plaintiff's proposed amended complaint (Doc. 22) as an amended complaint;

- 5) The defendant's motion to dismiss is **DENIED** as moot with regard to the "access to the court" and "equal protection" claims as they are not contained in plaintiff's proposed amended complaint;
- 6) Defendant shall file an appropriate response to the amended complaint within twenty-one (21) days of the date of this order; and
- 7) The Clerk of Court is directed to remand this case to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Court